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Date: May 24, 2004

Name: Lisa M. Davis

Signature:

Lisa M. Davis
Clifford Chance US LLP

Docket No. 5677-142

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Leo J. Romanczyk, Jr. et al.

Filed: November 21, 2000 Group Art Unit: 1711

Serial No: 09/717,445 Examiner: C. Tate
For: FOOD CONTAINING A COCOA POLYPHENOL ADDITIVE

Mail Stop: Issue Fee
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Sir:

Pursuant to the Notice of Drawing Inconsistency With Specification (copy enclosed), please find enclosed the drawings requested 7F-H, 8E-H, 9A, 11A-H, 12A-H, 13A-H (32 sheets of drawings) filed herewith .

The Commissioner is hereby authorized to charge payment of any fees required in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to Deposit Account No. 50-0521.

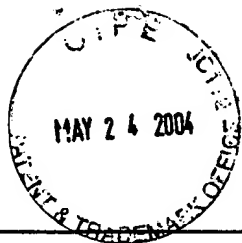
Respectfully submitted,

Date:

May 24, 2004

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

NOTICE OF DRAWING INCONSISTENCY WITH SPECIFICATION

The drawings filed 11-21-00 have been received. However, an inconsistency exists between the drawings and the Brief Description of the Drawings in the specification.

Figures 7F-H, 8E-H, 9A, 11A-H, 12A-H, 13A-H are listed in the Brief Description of the Drawings in the specification but not contained in the Drawings.

Figures are contained in the Drawings but not listed in the Brief Description of the Drawings in the specification.

Applicant is required to correct the above-noted inconsistency within a time period of **ONE MONTH or THIRTY (30) DAYS, whichever is longer**, from the mailing date of this Notice, or within the time remaining in the time period set forth in the Notice of Allowability (Form PTOL-37) to file corrected drawings, whichever is longer. **NO EXTENSION OF THIS TIME PERIOD MAY BE GRANTED UNDER EITHER 37 CFR 1.136 (a) OR (b)**

Failure to correct the above noted inconsistency will result in **abandonment** of the application.

The file will be held in the Publishing Division to await the correction of the inconsistency.

Return Corrected Drawings/Specification to:

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FORM PTO-1631 (REV. 10-03)